

Engel, Bernard 1/15/2008 9:03:00 AM

1 IN THE UNITED STATES DISTRICT COURT FOR THE  
2 NORTHERN DISTRICT OF OKLAHOMA

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W. A. DREW EDMONDSON, in his )  
5 capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
6 OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT,) )  
7 in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES)  
8 FOR THE STATE OF OKLAHOMA, )

)  
9 Plaintiff, )

)

10 vs. )4:05-CV-00329-TCK-SAJ

)

11 TYSON FOODS, INC., et al, )

)

12 Defendants. )

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14 THE VIDEOTAPED DEPOSITION OF  
15 BERNARD ENGEL, PhD, produced as a witness on  
16 behalf of the Defendants in the above styled and  
17 numbered cause, taken on the 15th day of January,  
18 2008, in the City of Tulsa, County of Tulsa, State  
19 of Oklahoma, before me, Lisa A. Steinmeyer, a  
20 Certified Shorthand Reporter, duly certified under  
21 and by virtue of the laws of the State of Oklahoma.

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1 A I'm not offering an opinion regarding whether  
2 this is good, bad or indifferent regarding the  
3 timing. So I was asked to provide information about  
4 the timing of litter application, and so that was  
5 the information provided. 05:41PM

6 MR. GRAVES: That's all my questions.  
7 Thanks.

8 A Thanks.

9 MR. SANDERS: I don't have any questions.

10 MS. LONGWELL: I just have a few. 05:41PM

11 MS. SOUTHERLAND: I only have two. Let me  
12 go up to where they are.

13 MR. GRAVES: You need a microphone on.

14 DIRECT EXAMINATION

15 BY MS. SOUTHERLAND: 05:41PM

16 Q Sir, I reviewed the disks containing the  
17 materials that were produced to us as the things  
18 that you reviewed for -- as the basis or that you  
19 considered in giving your or writing your affidavit.

20 I did not see any documents that were specifically 05:42PM  
21 produced by Cargill in those materials, and I just  
22 want to confirm that you did not review any  
23 documents produced by Cargill in arriving at your  
24 opinions set forth in your affidavit.

25 A To my knowledge I didn't review any Cargill 05:42PM

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1 documents in forming these opinions.

2 Q And the other question I have for you is, did  
3 you apply the same technique in making the Cargill  
4 calculations as you did in making the other  
5 calculations that you've given here today for the 05:42PM  
6 amount of poultry waste generated?

7 A Yes.

8 MS. SOUTHERLAND: Those are all my  
9 questions, sir. Thank you.

10 DIRECT EXAMINATION

11 BY MS. LONGWELL:

12 Q Mr. Engel, my name is Nicole Longwell. I  
13 introduced myself to you earlier. I'm here on  
14 behalf of Peterson Farms. I just have a few  
15 follow-up questions, so they're kind of hit or miss, 05:43PM  
16 and I apologize for the lack of cohesiveness. When  
17 did you get hired in this case?

18 A I believe that was late summer, early fall of  
19 2005.

20 Q Okay. At that time did you -- were you 05:43PM  
21 involved in hiring Bert Fisher and his group as a  
22 part of preparing your opinions in this case?

23 A No, I was not.

24 Q To your knowledge had Mr. Fisher and his group  
25 already begun obtaining some of the information you 05:43PM